IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.12542 of 1998

Between:

P.A. Aswathanarayana Rao, S/o late P. Subbappa,
R/o. 21-8-24, S. Sadlapaler,
Hindupur, Ananthapur District

..... PETITIONER

AND

1 State Transport Appellate Tribunal, A.P., rep. by it's Presiding

Officer, Hyderabad.
2 State Transport Authority, Rep. by its Secretary,
Hyderabad, A.P.
3 A.P.S.R.T.C, Rep. by its Managing Director,
Mushirabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records from the file of the Respondent No.1 herein with regard to R.P. No. 24/98 dt. 15.4.1998 and quash the same by issuing a Writ of Certiorari or any other appropriate Writ, order or direction.

Counsel for the Petitioner: MR.ARIFULLA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

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THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 12542 of 1998

O r d e r:

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport for the respondents.

The petitioner filed an application for grant of regular Stage Carriage Permit before respondent No.2-State Transport Authority. Pursuant thereto, respondent No.2 called for reports from the Motor Vehicle Inspector and the Regional Transport Officer, who filed their reports stating that the route overlaps by 0.2 K.M. The petitioner states that he cured the overlapping and filed a modification petition. Thereupon, respondent No.2 granted permit to the petitioner on 22-11-1997. Aggrieved thereby, the petitioner states that respondent No.3-A.P.S.R.T.C., filed a revision in R.P. No. 24 of 1998 before respondent No.1-State Transport Appellate Tribunal, stating that the route overlaps by 0.1 K.M. Respondent No.1 allowed the said revision and remanded the matter to respondent No.2 for consideration afresh. Impugning the said order, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that though there were reports of the Motor Vehicle Inspector and the Regional Transport Officer on record, respondent No.1 without looking into the same, and under an impression that there

is no report of the Motor Vehicle Inspector, passed the impugned order allowing the revision and remanded the matter to respondent No.2 for consideration afresh, which is liable to the set aside.

Though the writ petition was admitted as far back as on 30-4-1998, no counter is filed till date.

I have perused the impugned order passed by respondent No.1. No doubt, respondent No.1 allowed the revision by reason of the impugned order under an impression that there is no report of the Motor Vehicle Inspector available on record, but that by itself cannot be a ground to set aside the same, having regard to the fact that while allowing the revision, he had remanded the matter to respondent No.2 for consideration afresh according to law in the light of the observations made therein, and if there are already reports available in the record, it is always open for the petitioner to bring them to the notice of respondent No.2, and the petitioner having not shown the prejudice that has been caused to him by reason of the remand order, no interference is called for therewith.

In the result, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 21st April, 2005.

KSR

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SECTION OFFICER

To

1 The Presiding Officer, State Transport Appellate Tribunal,

A.P., Hyderabad.
2 The Secretary,
State Transport Authority, Hyderabad, A.P.
3 The Managing Director, A.P.S.R.T.C,
Mushirabad, Hyderabad.

4 Two CCs to GP for Transport, High Court Buildings, Hyderabad (OUT)

5 Two CD copies

6 1 CC to MR.ARIFULLA